

## **Remarks**

The above Amendments and these Remarks are in reply to the Office Action mailed April 5, 2004.

Claims 1-14 were pending in the Application prior to the outstanding Office Action. In the Office Action, the Examiner rejected claims 1-14.

The present Response amends claims 11-14, and adds new claims 15-21, leaving for the Examiner's present consideration claims 1-21. Reconsideration and withdrawal of the rejections is requested.

### **A. 35 U.S.C. 102(b) Rejections**

Claims 5 and 6 were rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Wang (U.S. Pat. 5,702,507). Claim 5 requires "a germicidal lamp exposing the airflow to germicidal radiation, disposed in said house, said germicidal lamp removably mounted in said housing such that said germicidal lamp can be changed."

In rejecting claim 5, it was asserted in the Office Action that Wang teaches the claimed "germicidal lamp." Applicants respectfully point out that a germicidal lamp performs its germicidal action by emitting germicidal radiation, as recited in claim 5. Also, a germicidal lamp does not specifically produce ozone (although it may produce minor amounts of ozone incidentally). In contrast, the "ozone tube" described in Wang performs its germicidal action by generating ozone molecules, and not by emitting germicidal radiation, as is required by claim 5.

Because the "ozone tube" of Wang is not a germicidal lamp and does not produce germicidal radiation, Applicants respectfully request that the 35 U.S.C. 102(b) rejection of claim 5, and its dependent claim 6, be withdrawn.

## **B. 35 U.S.C. 103(a) Rejections**

Claims 1-7 and 9-14 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Hsu (U.S. Pat. 5,656,063) in view of Wang (U.S. Pat. 5,702,507). Claim 8 was rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Hsu in view of Wang, in further view of Smith (U.S. Pat. 5,641,342).

### Claims 1-4

Claim 1 includes “a germicidal lamp that can expose the airflow to germicidal radiation, disposed in said house, said germicidal lamp removably mounted in said housing such that after said inlet is removed, said germicidal lamp can be removed.”

It was admitted in the Office Action that Hsu does not teach the germicidal lamp or claim it. However, it was asserted in the Office Action that Wang teaches this deficiency of Hsu. For at least the reasons discussed below, Applicants respectfully disagree.

Applicants respectfully point out that a germicidal lamp performs its germicidal action by emitting germicidal, as recited in claim 1. Also, a germicidal lamp does not specifically produce ozone (although it may produce minor amounts of ozone incidentally). In contrast, the “ozone tube” described in Wang performs its germicidal action by generating ozone molecules, and not by emitting germicidal radiation, as is required by claim 1.

Because the “ozone tube” of Wang is not a germicidal lamp and does not produce germicidal radiation, Applicants respectfully request that the 35 U.S.C. 103(a) rejections of claim 1, and its dependent claims 2-4, be withdrawn.

Additionally, in Wang the ozone tube can be removed only after a liftable cover 4 is removed. The ozone tube of Wang is not “removably mounted in said housing such that *after said inlet is removed*,” it can be removed, as is required by claim 1. In fact, in the Office Action,

the Examiner admits that Wang discusses removing its ozone tube through the top, which is not an inlet. For this additional reason, Applicants again respectfully request that the 35 U.S.C. 103(a) rejection of claim 1, and its dependent claims 2-4, be withdrawn.

#### Claims 5-8

Claim 5 includes "a germicidal lamp exposing the airflow to germicidal radiation, disposed in said house, said germicidal lamp removably mounted in said housing such that said germicidal lamp can be changed." As mentioned above, a germicidal lamp performs its germicidal action by emitting germicidal radiation, as recited in claim 5. Also, a germicidal lamp does not specifically produce ozone (although it may produce minor amounts of ozone incidentally). In contrast, the "ozone tube" described in Wang performs its germicidal action by generating ozone molecules, and not by emitting germicidal radiation, as is required by claim 5.

Because the "ozone tube" of Wang is not a germicidal lamp and does not produce germicidal radiation, Applicants respectfully request that the 35 U.S.C. 103(a) rejections of claim 5, and its dependent claims 6-8, be withdrawn.

#### Claim 8

Claim 8 requires that "said housing has a top and said second electrode has a first handle located on said top, which first handle can be used to lift said second electrode out of said housing through said top." The Examiner has relied on Smith for teaching these claimed features. However, the handle discussed in Smith is clearly on the side of the "cell 17" and is clearly used to slide the "cell 17" out the side of a unit.

Claim 8 also requires that "said germicidal lamp has a second handle, which second handle located on said top, which second handle can be used to lift said germicidal lamp out of said housing through said top." None of the references, including Smith, teach or suggest that a handle can be used to remove a germicidal lamp out of the top of a housing and/or that such a handle is located on the top of the housing.

For these additional reasons, Applicants again respectfully request that the 35 U.S.C. 103(a) rejection of claim 8 be withdrawn.

#### Claims 9 and 10

Claim 9 includes "a germicidal lamp exposing the airflow to germicidal radiation, disposed in said house, said germicidal lamp removably mounted in said housing such that said germicidal lamp can be changed."

For reasons similar to those discussed above with regards to claim 5, Applicants respectfully assert that Hsu and Wang, alone or in combination, do not teach the claimed germicidal lamp. Accordingly, Applicants respectfully request that the 35 U.S.C. 103(a) rejections of claim 9, and its dependent claim 10, be withdrawn.

#### Claims 11-14

Claim 11 is currently amended to refer to a "germicidal lamp that emits germicidal radiation" and the step of "removing the germicidal lamp." For reasons similar to those discussed above with regards to claims 5, Applicants respectfully assert that Hsu and Wang, alone or in combination, do not teach claim 11. Accordingly, Applicants respectfully request that the 35 U.S.C. 103(a) rejections of claim 11, and its dependent claims 12-14, be withdrawn.

Claim 11 also requires "removing the germicidal lamp through said side for replacing the germicidal lamp." The "ozone tube" of Wang is removable out the top of the unit. For this additional reason, Applicants respectfully request that the 35 U.S.C. 103(a) rejection of claim 11, and its dependent claims, be withdrawn.

**C. Obviousness-type Double Patenting Rejection**

Claims 1-10 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims of copending Application No. 10/074,096. Claims 1-10 were also provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims of copending Application No. 10/074,347.

The Office Action states that a timely filed terminal disclaimer may be used to overcome an actual or provisional rejection of a non-statutory double patenting ground, providing the conflicting application is shown to be commonly owned with this application.

Applicants will consider submitting a terminal disclaimer at the point that the claims in the present application are indicated to be otherwise allowable.

**D. Conclusion**

In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and a Notice of Allowance is requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment for any matter in connection with this response, including any fee for extension of time, in the Fee Transmittal submitted herewith.

Respectfully submitted,

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By: Jeffrey R. Kurin  
Jeffrey R. Kurin,  
Reg. No. 41,132

Customer No. 23910  
Fliesler Meyer LLP  
Four Embarcadero Center, Fourth Floor  
San Francisco, California 94111-4156  
Telephone: 415/362-3800